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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Oliver, et al.

Serial No.: 09/599,163

Filed: June 22, 2001

For: MANAGEMENT OF TRANSACTIONS ON A NETWORK:  
FOUR OR MORE PARTIES

Examiner: Nga B. Nguyen

Art Unit: 3628

August 1, 2004

Hon. Commissioner of Patents and  
Trademarks  
Washington, DC 20231

Dear Sir:

DECLARATION OF DAVID M. OLIVER  
WILLIAM P. DENSMORE, JR. AND MICHAEL J. CALLAHAN

We, David M. Oliver, William P. Densmore, Jr., and Michael J. Callahan, do  
hereby declare:

1. We are the named inventors of the above patent application.
2. We submit this declaration in support of a demonstration of a prima facie entitlement to priority of invention with respect to Teper, US 5,815,665, claims 35-80 of which have been copied in the present application.
3. Attached are a compendium of and articles published between September 18, 1995 and September 23, 1996, which are more fully identified herein. These are believed to be true and correct excerpts of these articles.

4. These excerpts, together with the 1995 Oliver memo, are believed to support applicants' claim of invention prior to April 6, 1996, the effective application date of Teper et al.

5. The Clickshare<sup>TM</sup> service was experimental at all times at least prior to March 7, 1996. The system was made available under an "alpha" test, in which users were able to test compatibility with their Internet browsers, and certain aspects of system operation, in order to provide feedback to Newshare (and later Clickshare) regarding to operation of the system and any errors encountered. During this "alpha" test, no content was available for purchase, and no user accounts were charged. User registrations, to the extent possible, were performed through Clickshare servers, and therefore there was no segregation of service provider and on-line provider.

6. The Clickshare<sup>TM</sup> service was not offered for sale at any time at least prior to March 7, 1996. No commercial terms for users, brokers, or service providers were established, and the system was incompletely developed. Unsolicited offers for sale or commercial use of the system were not accepted. No mechanism was established prior to March 7, 1996 for accepting clients nor customers.

7. An article published September 18, 1995 in Stop The Presses, by Steve Outing, Planetary News LLC, states as follows:

Clickshare Internet Publishing Scheme Looks Promising

....The Clickshare system monitors and collects data on where the consumer has visited and purchased information, then sends the data back to the home publisher and the remote publisher. The remote publisher receives his share of the sale, the local publisher keeps a slice in compensation for the referral, and Newshare keeps a portion. And the participating publishers receive a detailed accounting of what consumers are reading, which can serve to provide advertisers with a verified account of online viewership.

The Clickshare concept has some wise thinking behind it. President Bill Densmore, a former newspaper publisher, has designed Clickshare as an open system supporting Internet standards. Consumers can use Clickshare with any Web browser software. It makes purchasing data on the Web simple; the consumer gets only one bill no matter where in the world she has purchased information. And a single password works everywhere. Credit card information is not transmitted over the Internet; rather, that data is kept solely by the local publisher. Consumers are kept track of by an alphanumeric ID number that is discernable only by the local publisher.

...Clickshare as a concept has a lot going for it. It would allow newspaper publishers worldwide to put price tags on their premium data online -- say, access to their electronic archive -- and easily permit anyone on the Internet to buy it without having to submit a credit card number.

8. Another article published October 9, 1995 by Brian Dawson in Tasty Bits from the Technology Front (TBF), states:

#### Clickshare

Here is an appealing proposal, called Clickshare, from Newshare Corp. of Williamstown, MA (which bills itself as "The Internet's first news broker- age" -- though it seems to me that Clickshare's potential applications extend well beyond news gathering and distribution). I first read about it in *Online Business Today*. Clickshare addresses a number of the outstanding obstacles to online commerce:

- The lack of an economical way to track and bill for small-value transactions across many Net services
- The desire for anonymity in Net value transactions -- i.e., a virtual equivalent to cash
- Users' disinclination to send credit-card data over the Net
- Users' concerns about divulging personal information to a myriad of suppliers, in order to gain access to the content they offer
- The unwieldy and growing set of authentication/password information that each online user must track as s/he signs up for disparate Net services
- The requirement of advertisers to know, on at least a statistical / demographic basis, who is receiving their messages
- Parents' desire to keep offensive Web content from their children  
(<http://www.aol.com/~dawson/tbf/archive/0093.html>)

...The Clickshare system tracks your Web-surfing activities, but anonymously, and accumulates similar data for all users throughout the system. This allows advertisers and publishers to access demographic reports of what users are requesting without compromising users' privacy.

9. An article by Rose Aguilar published March 18, 1996 in CNet News states as follows:

Clickshare collects for online pubs

Technology trials have started for a new Internet payment system from Clickshare that will make it easier to pay for online subscriptions.

Called the Clickshare Access and Payment Service, the technology lets users bill charges from several online content publishers to a single billing account ...

For users, the attraction is that they won't have to use their credit cards for small transactions, nor will they have to give their credit card numbers to multiple vendors to sign up for multiple online publications.

The catch is that the publisher must also have signed up for the Clickshare service. But the company hopes that publishers will be attracted to the service because it will make it easier to track customer billing, count the number of times a user views a given site, and monitor visits to advertiser-supported pages.

Two publishers are participating in the tests: Studio Briefing, a daily entertainment industry newsletter, and American Reporter, an online news daily.

The registration at Clickshare provides users with a simple ID and password account and a list of publishers using the service. The system also supports authentication for managers, officials said.

10. These articles therefore indicate that a single user account is maintained, with an anonymous alphanumeric ID number used to identify users to foreign sites, with a central server for coordination and centralized accounting. They further support applicants' conception of a system having a mechanism for storing client information and charges among a plurality of service providers; a mechanism for allowing a client

registered with one service provider to access services of another service provider; a settling means; a sharing means; and an authentication/verification means.

11. It is therefore respectfully submitted that all pertinent claim elements were clearly shown to have been possessed by applicants prior to Fether's filing date.

Further Declarants Sayeth Not.

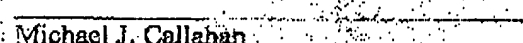
We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
David M. Oliver

August 4, 2004  
Date

  
William P. Densmore, Jr.

Aug 9, 2004  
Date

  
Michael J. Callahan

                      
Date



registered with one service provider to access services of another service provider; a settling means; a sharing means; and an authentication/verification means.

11. It is therefore respectfully submitted that all pertinent claim elements were clearly shown to have been possessed by applicants prior to Paper's filing date.

**Further Declarants' Oath Not.**

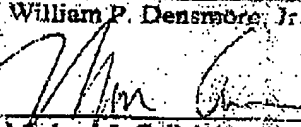
We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

David M. Oliver

Date

William P. Densmore, Jr.

Date

  
Michael J. Callahan

  
Date

Last printed 10/18/2004 8:43 AM

Hand to 914-494-3416

On Monday, Oct. 18, 2004 I retrieved archived files on my archival storage PC at my 75 Water Street office. In the following directory:

C:\ARCHIVES\MAC ARCHIVES\MARISA\ARCHIVES\CONFIDENTIAL\CONFIDENTIAL\NEWSHARE\CHTVS\_M12

In that folder are three files:

CLICKSHARE	2,640 KB	ARE File	4/12/1996 3:29 PM
SERVERS.IDE	1,880 KB	IDE File	4/12/1996 3:40 PM
README	2 KB	File	6/5/1997 10:08 PM

I have just emailed the three files above to patent attorney Steve Hoffberger. The contents of that README file appear below (with emphasis added).

----- BEGIN TEXT OF README -----

This Omega Zip Disk was originally recorded April 12, 1996 at Crocker Communications in Northampton on a Zip Drive attached to Mark Crocker's Mac Powerbook. The two .tar files were all that were put on it at that time. The disk was then sealed in an envelope and the seal was signed by Dave Oliver and Bill Densmore. On May 9, 1996, the envelope was given to Mark Gold of Grinnell Dubendorf & Smith when escrowed documents relating to a sale of the TVS technology from Newshare Corp. to Clickshare Corp. were executed. On March 25, 1997, Bill Densmore picked up the sealed envelope from Grinnell & Dubendorf and Smith when the escrowed sale agreement expired. On that day, Densmore copied the .tar files to the Macintosh Proforma 636CD in the office at 75 Water Street, and copied them to the Newshare.com server in a directory called: mail/TVS 04-12-96. Subsequently, Densmore "untarred" the two files into their constituent directories and original files. On May 13, 1997, Densmore FTP'd the untarred directories to the Macintosh Proforma 636CD in the Northampton office, then copied the .tar folders to this zip disk. At no time did Densmore alter, add to or delete any files. The purpose of this exercise was to put the individual programs in a form which could be readily printed for documentation required in the Newshare patent application.

bd 05-13-97

----- END TEXT OF README -----

Executed this 18 th day of October 2004

WPDensmore Jr.

William P. Densmore Jr.

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